

Woman in Transition

Throughout the History of Hebrew and Non-Hebrew Races

By

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TO
MY MOTHER

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FOREWORD

WALT WHITMAN, in one of his immortal poems, thus addressed himself to woman: "You are the gate of the body, you are the gate of the soul . . . And I say it is as great to be a woman as to be a man. And I say there is nothing greater than the mother of man."

Mrs. C. G. Hartley, author of "The Age of Mother-Power," writes: "The ultimate goal I conceive — at least I hope, is the right to be women, not the right to become like men. . . . The great women reformers are not those who would have women act just like men, but those who are conscious that all men are born of women. . . . Let us, then, reacquire our proud instinctive consciousness of being mothers of humanity."

The history of woman is the history of human ideas about the nature and differences of men and women. Dr. Schenker has made a comparison of the ideas about woman of the primitive Hebrew and non-Hebrew races. Some of the differences thus elicited are striking and of great consequence. Take, for example, the Hebrew outlook upon motherhood as compared with that

of the non-Hebrews. This comparison brings out with combined lucidity and compactness that the Hebrews, from the time they appeared upon the pages of history, have regarded motherhood as an intrinsic glory, and woman as "the gate of the body and soul," as the "mother of mankind." Non-Hebrews, on the other hand, have regarded motherhood with disfavor, and woman they regarded either as a goddess or devil, as a prostitute or sacred virgin, as the first deserter of God's command or the spouse of God. This difference has far flung social implications. Where motherhood is esteemed and woman, as a "copartner," is put on an equal basis with man, humanity is treated as an aggregate of free, thinking, self-respecting, and self-asserting individuals, man and woman, each in his and her own right "but a little removed from God." Where motherhood is held in contempt, and woman is regarded as a cross between an angel and a devil or, at least, as a milch cow, humanity is treated as a herd of cattle destined for the slaughter house, and man and woman are mere pawns to be shifted about by usurpers and dictators.

Very few, indeed, would care to admit that the present day outlook of man upon woman and woman upon herself is a mischievous one at best.

Dr. Schenker points out that woman's emancipation has as yet not been completed, that the slogan "ladies first" spells ladies inferior. As we read the engaging pages of this little volume, we cannot but realize that the Hebrews took high rank in their notions of the worth and value of woman, and that the Hebrew woman was from the first remarkably independent, capable of initiative, dignified as a "help-mate" and fully conscious of being "mother of mankind." In these high rank notions lies the strength of the Hebrew woman of the past, and only in these can be the strength of all women in the future.

In short, Dr. Schenker has given us a decidedly worthwhile little volume. It forces the conviction upon us that the state of intellectual and social advancement of a people or nation can be judged by the manner it treats its women.

Moreover, the fact that the author has brought the ideas of the primitive Hebrews concerning the social status of woman within the range of advanced modern thought, further enhances the value of this volume as a worthwhile contribution to both social science and Judaica.

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INTRODUCTION

MODERN problems in respect to sex and family cannot easily be understood unless one has in mind, as a sort of background, the history of the primitive sex-cult and family as institutions.

The view that the family (including sex relations) much as it existed among the patriarchs of Biblical lore, and as it exists today, was primeval and universal is very deep rooted. This is not surprising. From time immemorial, the patronymic or patriarchal system has been taught through the Bible and classical instruction without a thought of a still earlier stage of civilization. The gynocratic or matriarchal elements running through the historical accounts in the Bible, and found in the early histories of practically all patriarchal races, excited no curiosity except as puzzles awaiting the solution of scholars.

It was only in the year 1861 that the Swiss writer Bachofen, in his book *Das Mutterrecht*, drew the attention of the world to the fact that a system of kinship through mothers only had prevailed among many primitive peoples. Further contributions to this subject were made

by Drs. J. F. McLennan, Morgan, Tylor, McGer and many other investigators.

Over and against this theory of primeval matriarchy with its concomitant promiscuity, another group of investigators comprising, among others, Drs. Westermarck, Atkinson and Lang, advanced the theory of primeval patriarchy. This patriarchal hypothesis founds the family first on the brute force and acquisitive instinct of the male. It is also part of this theory that the matriarchal systems, wherever they existed or exist, are to be considered merely degenerations from the general type.

THESE two groups of investigators treat of the primitive family of a time when man was already differentiated and in full possession of self-consciousness and self-assertion. Yet the newer science of comparative psychology has gained an insight into an earlier period of human development when man was more akin to the animal than to man, when promiscuity or hetairism was the law of nature, when generation was primarily the prerogative of the gods, and when the family as an institution was non-existent.

By this method of comparison, we learn that the introduction of the patriarchal system of family during this early period constituted an

infraction of the existing law — an infraction usually referred to in the sacred writings of all nations of antiquity as the Original Sin or Fall of Man.

We learn also that, to be entitled to become a progenitor, man had to participate in the mysteries and to partake of the essence of god; and, to expiate individual marriage, woman was required to practice temporary prostitution.

Through a more thorough knowledge of the past, the present is becoming better known; and, from the basis of this larger knowledge, an insight into the future becomes possible.

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CHAPTER I

PRIMITIVE SEX CULTS

IT is a matter of common knowledge that among all races of men there exists a widespread belief in the Fall of Man, Original Sin and Golden Age doctrines. The farther back we go in history the clearer and more vivid that belief becomes. In the writings of the ancient nations, we find scattered many records concerning that belief. The Egyptians believed in a pre-existing Golden Age under the god Ra, to which they looked back with regret and envy. The Persians had a Garden of Eden. The Greeks — a garden of Hesperides. Among these writings, those of Babylonian and Zoroastrian origin present a striking record of the "Fall of Man" tradition.

The works of Greek writers contain much data concerning the "Original Sin" and "Golden Age" traditions.

Hesiod had recorded a past golden age, when life had been gracious in communal fraternity and joyful in peace; when human beings and animals spoke the same language; when death

had followed on sleep without old age or disease. Pindar, three hundred years after Hesiod, had affirmed the existence of the Islands of the Blessed, where the good led a blameless and fearless life.

Seneca, in his letters, gives the following picture of the primitive: "How happy was the primitive age when the bounties of nature lay in common and were used promiscuously."

Virgil paints the picture of the primitive in the following verses:

"For ere Jove's day, nor band the land
compelled,
Nor might he establish a land mark, nor
divide
His holdings from his fellow; but all in one
Wrought without question, and the earth
Satisfied readily their needs."

In the apocryphal literature and in the patristic writings the Original Sin and Golden Age traditions are held to be connected directly with the Biblical Garden of Eden epic. The events narrated in the Bible, Genesis II and III, leading up to and ending with the expulsion of Adam and Eve from Eden, are held to support the Fall of Man doctrine and to be the historical warrant for its assumption. Among the repre-

representatives of this group were St. Paul, Clement, Tertullian, St. Augustine and many of the later Fathers. The theologians of the Reformation followed the Fathers and the scholastics in adhering to this view.

To explain the origin of Original Sin and Golden Age doctrines upon a rational basis, more or less, many theories have been advanced. The one expounded by the critical school is that these doctrines were originally mere attempts on the part of primitive man to find a solution to the ever perplexing problem of human misery, suffering and death. This problem had impressed itself upon the minds of men in different parts of the world at a very early stage of their evolution, and, whether owing to the fundamental psychic uniformity of the human race, or in diffusion, found similar solutions.

Concerning the Golden Age doctrine, Dr. S. Ferenczi of Budapest, a distinguished colleague of Freud's, has advanced the theory of Intra-Uterine Blessedness. The theory is that in the mind of the adult person, there still remain certain vague memories of his pre-natal days in the maternal womb — memories of a life which the embryo lived as a parasite of the mother's

body, when it knew little of an outer world; when all its needs for protection, warmth and nourishment were assured by the mother.

These considerations about the intra-uterine life combined with the biogenetic law formulated by Haeckel — ontogenesis (the life of the individual) is a brief recapitulation of phylogenesis (the life of the race) — suggest the logical inference that far back in the pre-historic life of mankind, there must have been a time when man lived in perfect harmony with himself, with nature and with the world around him.

THE history of mankind, so far as we can trace it in written records or by the less direct but no less certain methods of scientific investigation, shows that when the anthropoid became entitled to be properly denominated man, and for an untold number of generations after, he lived in boundless ignorance of the Self and the world surrounding him. That such ignorance should once have extended to the realization of life and death, is no more incredible than that it did not extend to the hidden springs of Self-consciousness. Early pre-historic man lived in the moment. When there was plenty of food, he gorged to

repletion, heedless of starvation which might be his fate tomorrow or the day after. His thought had neither breadth nor continuity. The early races of men realized themselves only as a part of nature. Incapable of realizing their individuality (the modifying influence of differentiation had not yet begun; it is the consensus of opinion among the leaders of science that the pronoun "I" came into use as a development of the pronoun "We" not *vice versa*), they lived in complete harmony with nature. Which is another way of saying that they lived in passive submission to nature's undisputed sway.

Enil Lucka, in vivid and fascinating pictures, unfolds the mental and moral life of our primitive ancestors, basing his statements on accepted authorities. The conception of death was vague and unrealized. The sexual impulse, unconscious of its nature, was undifferentiated from any other powerful instinct. Every woman of the tribe belonged to every male who happened to desire her. As is still the case with the aborigines of Central and Northern Australia, the phenomena of pregnancy and childbirth were attributed to witchcraft. The conception of Father had not yet been formed. Man as yet felt him-

self a part of nature and aspired to no more than a life in harmony with her laws.

As man slowly progressed in his climb on the ladder of evolution, there came a time when the unorganized, undifferentiated sensations and impressions gave place to reflection. The mind of man, instead of revolving round the tribe or clan, began to revolve round a new centre — round the Self. Self-unconsciousness, the life of promiscuity and primitive communism, became less compelling in proportion as Self-realization and the demand for the pleasurable and possession grew louder and more insistent.

We may posit it as a definite proposition that whenever and wherever there is a break or change in the traditional outlook or behaviour of a man or a number of men of a given group, it inevitably calls forth a well defined opposition or reaction on the part of the rest of the group. On the strength of this proposition, let us now inquire how and in what manner the primitive clan or tribe reacted to the emergent Self-consciousness and Self-seeking of man.

A long road, marked by numerous restrictions and compromises, led from the collective, promiscuous sexual relations in the final establish-

ment of the "exclusive" or monogamous system. Every attempt to restrict promiscuity whether by a crude form of marriage or by merely claiming individual right over a given woman for a certain time, was regarded as criminal and irreligious. The man of such practices sundered himself from the group — he committed a "sin."

This condition, incomprehensible as it may appear to our ideology, is nevertheless supported by historical testimony. Man came by collective sex through his anthropoid ancestor who practiced it in common with all other animals. Man was born into a system of universal promiscuity which he believed, after he became capable of crude thought, to be sanctioned by the gods who, promiscuous themselves, suffered no restriction and modification. In case of transgression or sin (primitive man knew no sin other than that of sex restriction), sacrifices in the shape of a temporary or permanent unlettering of instinct were required to pacify the anger of the gods. Thus the seedling was planted from which the future consecrated women, temple prostitution, and sacred virgin cults grew and developed. Marriage and virginity were not tolerated by the gods of concupiscence and procreation, and the viola-

tion of their will, which is implied in individual marriage, had to be expiated by temporary prostitution. The two institutions, prostitution and marriage, which appear to us mutually exclusive, appeared to primitive man, to groups of men, and finally to the "civilized" and highly organized States, such as the Egyptian, Assyrian, Babylonian, Persian, Grecian, and Roman, to be linked by the closest bonds. A woman about to be married was compelled to reconcile the offended gods by a period of unrestrained licentiousness, purchasing the privilege of matrimonial chastity by a previous term of libertinism.

A corollary of the cult of promiscuity, which involves the principle that the father is not akin to his children, is that children of the same father by different mothers are not reckoned as brothers and sisters. By the laws of Athens, children of the same father but not of the same mother were allowed to intermarry. The same rule prevailed in Japan within recent times, and still prevails, according to authorities, among many of the backward peoples. According to the Biblical legend Sarah was the daughter of Abraham's father, but not of his mother. The story related in 2 Samuel, XIII:13, tends to prove that in the

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time of King David such a marriage would have been legitimate and honorable. It was not necessary to contend that these stories are narratives of literal fact. Yet they must have originated in a social condition where the incidents were not so far removed from daily life as to be incredible or even surprising.

WITH the growth of civilization a change in the practice of the sex cult took place. But the variety of innovations which we discover proves a change in the form of the "practice," but not in its fundamental idea. The expiation which the married woman must pay was reduced to a smaller amount and to an easier service. At first the annual payment gives place to one single tribute. Instead of the matron, it is the unmarried girl who serves as hetæra; prostitution, instead of being practiced after marriage, is now practiced before. The lightest form of expiation is found in the sacrifice of the woman's hair at marriage.

The rise of Christianity exerted an inhibitory influence upon the ubiquitous pagan sex cults. But this influence could have been much more effective in dealing a death blow to that cult if

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the early Fathers of the Church would have had the courage to repudiate the pagan Original Sin and Savior doctrines. To understand why Christianity accepted these doctrines as the fundamental dogma of its creed, it is essential to realize that Christianity can no longer be regarded as isolated in its development from the various religions in the midst of which it arose. The development of Christianity has passed through a long line of evolution and it has been continuous with the rites and conceptions of the most uncultured people. However, since the sex rites and symbolism of paganism were inconsistent with the sentiments of the more advanced Judaic cultural phases of Christianity, the early Fathers of the Church cast about for a new orientation.

The problem was not at all an easy one. The Fathers believed in common with the pagans that Self-consciousness and Self-seeking in sex (Original Sin), is the main and only cause for the loss of pristine happiness; they believed that the "woman is the devil's gateway," that "man was born tainted with sin." They also believed in vicarious atonement and in expiation of Original Sin. A great controversy arose among the Fathers. The more enlightened proposed a revi-

sion of the fundamental idea of sin; the mystics, who were in the majority, carried the decision to retain the fundamental idea but to change the form of expiation of sin.

The new measures of expiation consisted in abstinence from all forms of gratification, in self-humiliation, in mortification of the body, in neglect of personal adornment, in self infliction of injuries and mutilation, in fasting and, above all, in chastity. Thus as a result of the new orientation, the pagan religious sex cult and sex rites became metamorphosed into asceticism. The ascetic ideals which characterized early Christianity, and in particular the fierce denunciation of all manifestation of the sex instinct, the uncompromising attitude of the Christian Fathers, which caused many Christian converts to castrate themselves, condemned marriage as inconsistent with Christianity, pronounced woman to be the "gate of hell," and declared the extinction of the human race to be preferable to its propagation through sexual intercourse.

CHAPTER II

HEBREW PRIMITIVE SEX CULT

WHEN we come to investigate the cult of the primitive Hebrew tribes, we must, of necessity, be guided by the Bible, the only trustworthy record of primitive Hebrew folk-lore and primitive Hebrew and non-Hebrew cults. A close study of the first three chapters of Genesis, will compel a most striking conclusion: The so-called Original Sin or Fall of Man is never appealed to in these chapters as supporting a theological doctrine or a philosophy of life.

The whole transaction said to have taken place in the Garden of Eden — the eating of the forbidden fruit of the tree of knowledge of good and evil, the curse and expulsion which followed as a result thereof — is fraught with difficulties on the traditional interpretation. The serious Bible student often wonders why the quest after knowledge of good and evil should have brought a curse. The effect that was to follow the eating of the forbidden fruit, remembering that the pursuit of knowledge is repeatedly emphasized as a virtue in the Bible, appears to the mind to furnish the most praiseworthy motive for not

obeying the command to abstain. As to the curse inflicted on Eve, it has always been a stumbling block in the way of the critical Bible reader. For, what connection is there between the eating of "fruit" and the sorrow in bringing forth children? What cannot be understood on the literal interpretation of the text becomes, however, clear in the light of the anthropologic and scientific facts which we previously endeavored to point out.

Viewed in this light, the Garden of Eden epic stands out as an attempt on the part of the Biblical epic writer to record that remote prehistoric time when, on primitive man, there dawned the consciousness of Self, individual and sexual. And the eating of the "forbidden fruit" is merely a figurative mode of speech to express the first phase in this manifestation.

At the moment when homosimian, after having eaten of the forbidden fruit, was changed into homosapiens, his intellectual capacity was not that of an Abraham, Moses, Isaiah, or of an average person of five or six thousand years ago. The knowledge he gained was of a rudimentary nature, such as consciousness of death, realization of his own procreancy, Self-con-

sciousness, — the struggle for self-satisfaction and self-seeking, — the struggle for possession. In the new order which thus took place, woman became a prize. For she answered to both demands of the newly evolved homosapiens — to self-satisfaction in sex as well as to self-seeking in possession.

With these few preliminary remarks, we are now prepared to examine the first three chapters of Genesis more closely. The epic writer of the Bible starts out by giving a cosmogony, and then goes on, in a few masterful sentences of as few words as possible, to give a short history of the physical and mental evolution of man. In Gen. 1:28, he relates that primitive man, Adam, was bisexual; in Gen. 11:18, he records the fact that Adam had no sexual partner; in Gen. 11:21, he accords us another glimpse at the evolutionary stage of our anthropoid ancestor. Though he had changed from a bisexual into a unisexual creature, and had no doubt undergone many other evolutionary changes, he was still unconscious of sex and of woman, his sexual counter-part, which existed apart from him. In the words of the epic writer, "God had caused a slumber to fall upon Adam." The awakening

came when the woman was "brought" to Adam's consciousness as a coequal sex partner. With this new realization came Adam's first articulate assertion of Self-consciousness and Self-seeking so far as woman — sex, is concerned: "This now is bone of my bones and flesh of my flesh," (Gen. 11:23)—with emphasis on the word "my."

WE have pointed out that the new emergent individualism in sex, the "sundering" of man from the group, was resented and looked upon as a sinful act by all primitive groups and tribes. How surprising, therefore, to find that the early Hebrew group looked upon the sundering of Adam, man, and his self-assertion in sex, as expressed by the word "my," not as sin but as a natural phenomenon. That this was the attitude of the early Hebrew tribes is made certain by the comment upon Adam's assertion which the Biblical epic writer hastens to make in Gen., 11:24: "Therefore shall a man leave his father and mother and cleave unto his woman." A mere statement of cause and effect, this. Evidently, the epic writer regards Adam's departure as a natural incident in evolution, a stage on the road to the higher perfection of man.

It is logical to assume that throughout the early period of man's slow mental development he was more akin to the anthropoid than to homosapiens. The full conception of Self was not yet clearly formed in his brain for he still held his sexual counter-part, woman, "one flesh" with himself. He was oblivious of death, and the realization of his procreateness did not as yet dawn upon him. The epic writer was not a man of many words, but in the short passage, Gen., 11:25, "They were both naked and were not aware of their organs of generation," he clearly indicates the state of Adam's mental capacity at that remote period.

Centuries, milleniums passed, and slowly man and his intellect developed. From a crude, sex and hunger conscious, creature he became a man capable of reflection; he had conceived the "pleasantness" and "desirableness" of "knowledge" and started in quest after it. Then his eyes were opened. He no longer enjoyed the bliss and happiness of the lower animals in common with his anthropoid ancestors. He learned the pleasure of life and the sorrow of death; he realized the significance of his procreateness; he divined the role of sex urge in nature and in

evolution, and he allowed sex to become the fundamental emotion of his life. He became homosapiens.

With this picture of the mental unfolding of Adam, man, in his mind, and with the intention to make a permanent but short record of it, the Biblical epic writer in the unique manner of his own makes a whole epoch, a Geological Age, to appear vividly before our mind's eye. In Gen. II:17, he relates that Adam lived in Paradise, that he was forbidden to eat the "fruit of the tree of knowledge" on the penalty of death. In Gen.,III:6, he informs us that Adam was attracted by the "benefit," "desirableness" and the "pleasantness" of the tree, and "ate its fruit." Two eventful ideas were to follow as a result of the "eating." One, "death" is implied in Gen., II:17; the other, the realization of procreantiveness is explicitly referred to in Gen.,III:7, "And the eyes of both were opened, and they knew that they are naked." Which is another way of saying that they became conscious of their "generative" organs. Other evolutionary phases in the history of man which followed as a result of the "eating" (the realization of painful child birth and struggle for existence), are recorded in

Gen.,III:8-20, in the form of a conversation which supposedly took place between God and Adam.

There is a great confusion in the minds of uncritical Bible readers concerning this text. Some hold it to support the Fall or Original Sin doctrine. Some point to the text; Gen.,III:17, that man was immortal before, but became mortal after, the Fall. Some speak of the "curse" as a penalty inflicted on Adam and Eve for the "sin" they had committed.

It is hardly necessary for us to dispute these erroneous interpretations. That the Garden of Eden epic cannot be held to be the historical warrant for the Original Sin doctrine, is amply proven by the fact that the word "sin" is not mentioned in it. The first mention the Biblical epic writer makes of the word "sin" is in connection with the act of Cain, Gen.,IV:13. Evidently, the opinion of the Biblical epic writer (which mirrors the attitude of the primitive Hebrew group) differs greatly from that of our Bible interpreters. For he omits the word "sin" in his narrative about Adam's act, but speaks of it clearly in connection with the act of Cain;

whereas they, the Bible interpreters, do just the opposite.

If it is at all permissible to interpret the Garden of Eden text as indicating a pre-existing state of deathlessness of man, it is only in the figurative manner which we pointed out previously. Primitive man, like the animals around him, had no conception of death as such. From the primitive man's own view-point (if it is at all permissible to speak of "view-point" in connection with him), he was deathless, for the idea of "death" had not crystallized in his brain then, as it is still not crystallized in the brain of the lower animal now. It was only after having passed the evolutionary stage of "eating of the fruit of the tree of knowledge" that man first came face to face with the reality of death.

As to the "curse inflicted" on Eve, it is a mere fancy on the part of the Bible exegetes, which the wording and the meaning of the text neither support nor justify. In Gen., III:14-20, the word "cursed" (arur) is employed in connection with the "serpent" and "earth" only. In connection with Eve and Adam, the usual Biblical conversational form of speech, "and God said," is employed. The passage, Gen., III:16, the text of the

so-called curse, cannot without stretching of the imagination be interpreted other than as a mere statement of fact concerning two fundamental ideas which man has now learned to realize: One is the idea of the biological significance of sex; the other, the physiological process of parturition. To claim that parturition was ever accomplished without muscular exertion and pressure pain, and that it became "painful" as a result of the Original Sin, is simply to display ignorance of the anatomy of the vertebrates, and the mechanism of labor.

Likewise, the "curse" inflicted on Adam is a mere presentation of cause and effect. One has only to keep in mind the acquisitive "my" instinct of Adam (Gen., II:23), to realize that the text of Gen., III:19 stands in part as a solemn warning or realization that the self-seeking sex and property instincts of the individual must inevitably result in "in the sweat of thy face shalt thou eat bread" for the group, and in part as a statement of the biological law of the origin and destiny of man.

WE shall now turn for a moment to the last few verses of Gen., III wherein the epic writer relates the finale of the Garden of Eden episode. In Gen., III:20, he tells us: "Adam called his wife's name Eve, for she was the mother of all living." In these few words the epic writer gives a candid exposition of the attitude of the primitive Hebrew group toward the woman, who was instrumental in bringing about the self-consciousness (in sex, procreativeness, property, etc.), the so-called, "Fall", of man from a most rational angle. The early Hebrew tribes looked upon woman neither as a goddess nor as a devil; she was neither a consecrated prostitute nor a sacred virgin; she was neither the gateway of the devil nor the intermediary between man and God; she was neither "the first deserter of God's command" nor the spouse of God. They looked upon her with deep respect and admiration as "a gate of the body and soul," as a "mother," a mother of mankind.

In Gen., III:22, 23, 24, the Biblical epic writer affords us a deep insight into the tragedy of history. "Man," he tells us, "has become God-like to know good and evil." But of the tree of life he did not eat. "And now, lest he put forth his

hand and take also from the tree of life, and eat and live for ever," he was driven out of the Garden of Eden, and in the front of the Garden the revolving flaming sword was placed to guard the tree of life. No legend or myth this, but a grim reality. The central point is that progress, particularly social progress, is not mere intellectual attainment, not knowledge of good and evil. It is, above all, an evolutionary knowledge of human interrelation, a forever expanding and all embracing promise of life and happiness. This is another way of saying that civilization was started in the wrong direction by the fact that too much attention was paid to the *tree of knowledge*, and little or nothing to the value and meaning of life — the *tree of life*.

Man, since we first encounter him, has made ceaseless progress upwards in his knowledge of physical sciences, and this progress continues before our eyes, but he never attempted, nor does he know, to make headway in the knowledge and practice of social science. As a matter of fact, we are living in a universe of anti-social proclivities. Under our sophisticated sleeves we carry secret plans of destruction and death, and now, as of yore, the flaming sword of barbaric

hatred keeps on revolving "to guard the way to the tree of life." Therein lies the tragedy of history: Man neglected to "eat of the tree of life." Therefore he was driven out of the Garden of Eden to be, for the most part, himself possessed by the earth, from which he was taken," instead of possessing the earth.

We have so far dealt with the Garden of Eden epic, as narrated in Genesis I and II, and have endeavored to point out that it affords a glimpse at the pre-historic evolutionary stage of man by lifting the veil of antiquity; that it contains no reference to the Fall of Man or Original Sin; that it makes no mention of expiation or punishment.

We shall now pass to the main body of the Bible in the endeavor to discover what deposits of Original Sin cult are embedded in it. After a careful study, we are forced to acknowledge that it contains neither adoration and worship of sex, nor its defilement and abasement. The fear of woman's physical influence, which is so conspicuous in pagan and early patristic writings, is conspicuously absent in the Bible. Nor is there the dread of woman's mental influence exhibited in the writings of Schopenhauer, Nietzsche,

Weininger and others. The whole subject of sex, generation and procreation assumes in the Bible the form and outline of a sociological pattern drawn on a biological background. Having shown its deep appreciation of the creative and procreative activity which goes on in nature, the primitive Hebrew clan or tribe, whose folk-lore the Biblical epic writer articulates, conceived of the female of the human species as a "help-mate," a friend man cannot do without. When the Biblical epic writer comments: "Ish" — man, singular, shall become attached to "Isha" — woman, singular, it is not proprietary monogamous marriage that he really stresses but the harmony of sexes possible of attainment only when sex activity is not given communal value.

Marriage, as conceived by the Biblical epic writer, is neither a sacred institution designed for God's pleasure and stimulation, nor a violation of His will which has to be expiated by temporary prostitution or asceticism. Marriage is a civil contract entered upon by man and woman upon the sole condition of love, and it may, nay must, be terminated as soon as love binds them no longer (Deut. XXIV:1). Thus the idea that love sanctifies marriage, not mar-

riage love, found its first expression in the Bible.

If we failed to discover traces of an Hebrew Original Sin doctrine, Hebrew sex cult and sex rites in the Bible, our search, nevertheless, has not been futile. For we have found that the Bible contains a rich store of denunciations and condemnation of sex cult and sex rites, of "groves" and "pillars," of consecrated prostitutes, men and women, of licentious orgies, of incest and unbridled lust, of asceticism, of self-inflicted injuries, and all such other abominations which were the accepted religious practices among the Canaanites as well as among the ancient Egyptians and Babylonians before them, and the Egyptians, Assyrians, Babylonians, Persians, Greeks and Romans after them.

IN the prophetic literature we find numerous passages which express in unmistakable language the protest of the Prophets against sex rites, sex worship, sex defilement, Fall, Original Sin and Savior doctrines. Among the strong protests voiced by nearly every Prophet there is one most vigorously voiced by one of the greatest Prophets. It was at the time of the Babylonian hegemony, when the Hebrew aristocracy became

slaves in mind to the Babylonian sex cult, Fall, Original Sin and Savior doctrines, as it became later slaves in body to the Babylonian might. The example set by the aristocracy acted like a contagion and began to spread rapidly among the people. This aroused the ire and indignation of the prophet Ezekiel. With a fearless uprightness of conviction and with an unsurpassed lashing of the tongue, he thus spoke to the people:

"What mean you that you use this proverb concerning the land of Israel, saying the fathers have eaten sour grapes and the children's teeth are set on edge? As I live, said the Lord God, you shall not have occasion any more to say this proverb in Israel. Behold all souls are mine, as the soul of the father so also the soul of the son; the soul that sinned it shall die. The son shall not bear the iniquity of the father, neither shall the father bear the iniquity of the son. . . ."

Having thus denounced the Original Sin doctrine as foreign to the will of God and the tradition of Israel, he proceeds, Ezek., XVIII:5-30, to tell his people that Individual Responsibility and the strict adherence to the moral and ethical code is the "way" of God.

It should be remembered that the prophet Ezekiel was taken to Babylon with the Hebrew

captives several years before the fall of Jerusalem. As an exile in Babylonia he could not, with impunity, attack or denounce the Savior and sex cults which were, in Babylonia as everywhere else, a corollary to the Original Sin doctrine. But he was too strong and relentless in temperament and one of the most striking and dramatic characters in the history of his people to permit the Savior cult to go unchallenged. What he was unable to do directly, he did in an indirect manner. He, a great leader, a priest, a Prophet of God, a personage who would surely have been styled Son of God by any pagan nation, had he been one of their members, delivered all his prophecies under the assumed title, the Son of Man.

We must not attempt now to inquire into the post-Prophetic, canonical and apocryphal, writings of the Jewish people. They are too vast. We may mention, however, that the Fall as a theological concept is to be found only in the late apocrypha and pseud-epigrapha, no doubt due to pagan influence. And while it is true that the Fall tradition has a place in the theology of the Talmudists, it is a well-known fact nevertheless that, for the most part, that notion is

merely an humilectical speculation which never crystallized into a dogma or creed.

In conclusion, I shall point out that this short inquiry brings to our attention several things of vital importance:

(i) That the religions of all nations, ancient and modern, stand or fall by a belief in the Fall, since they all, without exception, are religions of redemption.

(ii) That the Jewish Bible, which is in part a record of Hebrew primitive folk-lore, regards the "transgression" of Adam as a natural incident in evolution, a stage on the road to the higher perfection of man.

(iii) That the Hebrew Biblical doctrine of Individual Responsibility is removed as wide as the poles from the doctrine of Sin as something for the expiation of which the Son of God had to shed his blood.

(iv) That throughout history, the Jew has repudiated the sex cult and sex rites of all peoples and nations; and that all nations, in turn, repudiated the Jew. And last, that history has since pronounced its verdict in favor of the Jew, and science sustains him.

CHAPTER III

THE ANTAGONISM BETWEEN
THE SEXES

PERHAPS no human belief has held woman in such contempt as that in the Fall of Man. We can lay it down as a universal rule that the stronger the belief in the Fall of Man doctrine in any society, the more the social, political and economic position of the woman has been degraded in that society.

It has been pointed out that the Fall of Man doctrine debases woman in four ways. First, it treats of woman as the first transgressor of the will of God; second, it allies her with the serpent or Satan; third, it holds her directly responsible for human misery and death; fourth, (more subtle than all others), it endeavors to strike human-being out of the definition of woman.

When we look back to archaic history, and to various customs in different primitive races and tribes, we find that, though the Fall of Man doctrine appeared at last a comparatively late

stage in the evolutionary progress of humanity, yet, anterior to it, woman had been looked upon with distrust as an inferior and unclean thing.

The question, therefore, has been rightfully asked, why does the history of mankind begin with strained relations between sexes? While it is not possible to extend researches back far enough to learn the exact answer to this perplexing question, yet science has learned to read archaic history through the life, customs, mysteries, and religious beliefs of our savage ancestors as well as of the primitive peoples now extant. On the strength of the knowledge thus obtained, several reasons have been suggested. One of the reasons is that the superior physical strength of man conquered the weaker woman and kept her as a slave. Another is that woman came under ban by reason of her menstrual periods. Havelock Ellis calls attention to the fact that savage man "almost unanimously" shows a deep repugnance to the monthly discharge. To the savage, blood is the very symbol of life, and its periodic loss without being wounded intrigued him above everything else. And, as illness is generally attributed by him to evil spirits, we can easily understand that the

monthly discharge and child-birth tended to make the woman an unclean and inferior being. It has also been suggested that the psycho-physiological tiredness and distaste which follow the sexual congress are responsible for this condition. "After sexual intercourse," says Brehm, speaking of mammals generally, "great indifference is shown towards one another by the sexes." Still another reason advanced is that, since the savage at an early stage can hardly have known how to be temperate, the excesses would make him feel "effeminate," and it would be only natural for him to blame his mate, to fear and despise her. The development of the science of anthropology has brought also religious and economic reasons of major importance to the fore. In fact, so much light has been shed upon this question that, for the most part, anthropologists are of the opinion that the complexity of modern society is the end result of but a few simple forces which activated savage man.

It is a far cry from the so-called "civilized struggle" for existence of our own time to the brute savage who, club in hand, was roaming the primeval forests in search of food and mate. Yet, from one to the other, the road runs plain

for all the winding and branching. Measured by the life of the individual, it is a long time ago; but, by the life time of the race, it is but as yesterday that our arboreal ancestor climbed down from his tree and found that two legs were enough for the purpose of locomotion. The progression from utilizing the prehensile capability of the forefeet in climbing to grasping and holding some objects as a means of various purposes, required a long series of unconscious experimentation and adaptation.

Throughout the time this process was taking place, our ancestor was a part of nature and the tribe he belonged to. On separating himself, he risked death at the hands of an alien enemy, man or beast, or from sheer isolation. Cain's pathetic remonstrance at the severity of the punishment pronounced upon him must be read literally. It is a perfectly preserved voice from our primitive ancestor. After ages of slow evolution, the day dawned when man developed that degree of intelligence which permitted him to separate himself as something other and apart from nature and tribe—he became definitely conscious of self. This was his first discovery. His second and coincidental discovery was the recognition of

other persons like himself, but not self to him. His third and consequential discovery was the recognition that some of those others were closer to him than the remainder. The importance of the recognition of the others lay in its helpfulness to man in asserting his self-expression and aiding his self-expansion.

OF the two primary needs, hunger and sex, of the savage man, food has no objective of its own and can be appropriated; or, if it has—like animal food—it can be killed or devoured alive without misgiving on that score; sex is a female, a person with an objective or will, not infrequently antagonistic to the will of the man. The widely current opinion that nature is ruled by love; the trend of certain writers to describe the universe as pervaded with a hymn of love, that not only the sexes but atoms are actuated in their attraction by love, is founded on a misconception of biological fact. Briffault affirms that, with both male and female, "love" as sexual attraction is primarily and pre-eminently "sadistic;" it is positively gratified by the infliction and spectacle of pain. According to M. D'Enjoy, the kiss has developed out of the love

bite. It is also a well known fact that the primitive woman, apart from her fierce maternal tenderness, is a wild enough creature with little about her of what we regard as feminine tenderness. Clearly, then, since the female, in order to satisfy the sex need of the male, could not be appropriated like food nor killed like an animal, an unremitting strife and continual struggle ensued with the result that man, because of his superior strength, triumphed over woman. This triumph marks the emergence of our savage ancestor from a life of unself-consciousness and promiscuity into the life of self-consciousness and patriarchy based upon the essentially anti-social principle of forcible trespass of one sex upon the personality of the other.

CHAPTER IV

PRIMITIVE PATRIARCHAL AND
MATRIARCHAL SYSTEMS

THE primordial patriarchal life is described by Atkinson as follows: "Primeval man lived in small family groups, composed of an adult male and his wife, or, if he were powerful, several wives, whom he jealously guarded from the sexual advances of all other males. In such a group, the male is the chief or patriarch as long as he lives, and the family is held together by their common subjection to him. Maternal love is instinctive and probably lasts only till the young are able to care for themselves. As for the children, the daughters, as soon as they grew up, are added to his wives, while the sons are driven out from the home at the time they reach an age to be dangerous as sexual rivals to their father. The relation of the father who, presumably, had no comprehension of the significance of procreation (since that knowledge came only after long reflection), to the members of the

family and those of the group, was not of kinship but of power. The commandment, 'Thou shalt not commit adultery' was at first an order issued by primitive man, club in hand, to his mates. 'Every female in my crowd is flesh of my flesh,' says or feels our savage patriarch, and he gives expression to his sentiment with teeth and claws, if he has not yet learned to double up his fist with a stone in it.

"Around each family or group of families would be the exiled sons, haunting their former hearth-homes, and forming a constant element of danger to the solitary paternal tyrant. Occasionally a combat would take place, and the strongest male, by killing or driving out the Old Man would maintain his position as the tyrant head of the family. From the physical standpoint the patriarch was the master, the tyrant ruler of the family. But since most of his time has been occupied largely in fighting his rivals, and much of his strength expended in sex, it is impossible that he, however skillful a hunter, could have led all the female members and children of the group. Left to provide for themselves, the mothers and their children undertook the daily search for daily food, and it is not un-

likely that frequently the male tyrant was dependent on the food activities of his woman. The activities of the women, however, were not limited to the search for food only. They built the huts or dwelling places, developed the primary arts of cooking, basketry and pottery. In a word, women became indispensable to the male, not only on account of his sex needs, but on account of the more persistent need of food; and, as an economic factor of some importance, their social status was raised to a higher level."

THE further enhancement of her status was brought about when man first learned to prefer a happy companion, one eager in the sexual act, to one who from ill-usage or force, is cold and lacking in the normal stimulation which her organs give to the male. This placed a powerful weapon in the woman's possession: sex charm, by virtue of which she repeatedly asserted her rights and often rose to predominance.

From this first solitary patriarchal family, the outgrowth of the primordial promiscuous group, we reach another stage, that of the matriarchal family. It is not to be supposed that the over-

throw of the patriarchal system was a fiat accomplished in one short space of time. The transition from the patriarchal to the matriarchal system was rather slow and gradual, stretched out over many thousands of years.

The primary impulse behind this development was the social conduct of the women forced on them by the non-social conduct of the man. The strongest force of the union between the women, the wives of the patriarch-despot, grew out of the consciousness of an ever-threatening and common danger. The feeling of kinship with the mother on the part of the young grew stronger as the relations to them on the part of the father became more and more that of an enemy. Every time a daughter had to submit to the brute-passion of the despot father, the renewed banishment of each of her male progeny by the jealous patriarch, the mother's feelings and instincts would be increasingly outraged. In the march of centuries, on some fateful day, the mothers and their numerous adult daughters succeeded in forcing the father, old and feeble perhaps, to tolerate the presence of his adult sons in the family. The family would now, for the first time, present the until then unknown spectacle of the

inclusion within the domestic circle, and amidst its component females, of an adult male youth. Under the new order, an adult son who remained in the family circle would be suffered to do so on condition that the mothers and daughters of the circle were sacred to the father. As a result of this taboo, exngamy became the common practice and, when the sons began to bring the captured wives, the regulation or taboo was that the wives were sacred to the group sons.

It would be readily seen that the presence of the sons and their wives in the family circle would be an immense gain in strength for the mothers. Yet, the patriarch still holds marital rights over the mothers and group daughters.

As the group advanced in progress and power, it succeeded in imposing a further important restriction. A bar was raised to prevent the father from adding his daughters to his wives. The overcoming of the habit of paternal incest was due, among other things, to the jealousy of the mothers, to the opposition offered by the daughters to the advances of the Old Man, and to the entrance of outside suitors for the daughters and their acceptance by the group mothers. This restriction was further enforced by new rules of

sexual avoidance, new taboos, whereby the group daughters were sacred to their husbands. As the group advanced still further in progress, totem names came to be used as family marks of distinction. The religious superstitions that came to be connected with these totem names, usually inherited from the mother, made it binding that certain women and certain men might not marry within the hereditary totem name. In many instances, this served as a bar against capture marriages; peaceable marriages between men and women of different totem groups began to take place, and out of this practice developed a new system whereby the married woman remained in her family home where the husband was no longer a patriarch-despot but a kind of privileged guest.

Commenting on this new order, Mr. Atkinson makes the following observation: "As a wife who had not been captured, who, in fact, as an actual member of the group itself, was, so to speak, the capturer, her position in regard to her dependent husband would be profoundly modified, in comparison with that of the ordinary captive female, whereas such a captive, seized by the usual process of hostile capture, had been

a mere chattel utterly without power; she, as a free agent in her own home, with her will backed by that of her brothers, could impose law on her subject spouse."

CHAPTER V

THE REESTABLISHMENT OF THE
PATRIARCHAL SYSTEM

WITH the establishment of these new marital relations, the power and influence of the husband and father began, at first gradually, and then rapidly to decrease. The final curtailment of the marital rights of the husband came with the establishment of polyandry. Polyandry is a form of marriage in which men frequent the house of the woman as lovers, without ceasing to live at home, and without being in any way detached from the maternal family. Where polyandry as a form of marriage exists, the husband and father cannot be said to exist; he is reduced to the most subordinate role of the male—he is simply the progenitor. The economic and social predominance of the woman was followed

by the predominance of the female over the male ruling spirit or deity. Mother goddess, Earth, Moon, and other Fertility goddesses became the object of worship, and woman the priestess everywhere.

However, it was in such exaltation of fertility goddesses that the inherent weakness of the maternal system rested—a weakness which led eventually to the reestablishment of the paternal family. The type of matriarchal family could flourish best when humanity existed on what nature spontaneously furnished, and progress consisted in securing foods through increasing cunning and inventions resting on magic and fertility rites. But when the pressure of the population on food became heavy, when the struggle for existence became strenuous, children in excess became a burden and were put to death along with aged and inefficient. The lot of women was less happy. To rid themselves of the grown-up daughters, their kindred would offer the more desirous to their suitors for a price or service, while for the less desirous a dowry would be given to the suitor out of the property of the kinship. This reversal in the form of marriage brought about a corresponding

WOMAN IN TRANSITION

reversal in the status of the woman. The family was still matriarchal, the child still in theory a member of its mother's kindred and under their protection. But in actual fact, it was under its father's roof, protected by his kin, and the father had become a more important person in the household than his wife. The family was ceasing to be matriarchal and was becoming patriarchal.

OF the many elements of primitive life which contributed toward the reestablishment of the patriarchal system, the following two are of especial importance: First, the male instinct to monopolize the female, which goes down deep into the animal world, where the "husband" will fight strenuously against any other males which approach his wife or wives. That instinct did not die out completely even during the period of matriarchy. Second, the intrusion of intellectual guidance over nature in its production of food.

When man had become familiar with a reasonable understanding of fatherhood and birth, it was but a step, though a long one, to the application of his knowledge to the more rapid multiplication of animals suitable for food. Hence-

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forth man was able to store up his food supply into flocks and herds. A new feeling of proprietorship developed, and in time it extended from the herds and grazing fields to his wives and children. As husband, he would now guard the wife he had purchased and, as father, he would guard the daughters he would sell. It was the commercial zeal for the physical integrity of his daughters which is responsible for the law that she shall not commit fornication. This law meant no more than that the girl's value, if she strayed, was lowered, and that the father correspondingly was robbed.

In matriarchal times, when the fertility of woman was considered economically productive, the male supremacy, implicit in the significance accorded virginity, could never become a part of the existing mores. It was only with the reversal of the situation, when the economic independence of woman disappeared, and woman was converted into a form of private property, that we find virginity an economic asset to the father. In case of the woman who escaped the authority of the father, and who did not incur that of a husband, no economic loss was sustained, and,

therefore, no law was violated in having commerce with her.

These repeated changes in the form of organization and outlook of primitive society explains, partially at least, the extraordinary diversity with which woman has been treated throughout the ages. The abject degradation of woman took place beside the worship of Mother-Goddess; orgiastic rites, sacred prostitution and promiscuity were practiced along with asceticism and chastity. She was looked upon as the incarnation of the devil and as the deity or the mother of god, at one and the same time. So marked, indeed, is the diversity of practices which have existed over the world in this matter that they suggest that there was in man a vital and deep lying element of nature—sex worship and fear inherited from his savage ancestor.

We have pointed out that the savage is intrigued by the behavior and appearance of woman during menstruation, pregnancy and childbirth. Everywhere the imagination of the savage is struck by these phenomena. There is much in them that is unusual, repulsive, incomprehensible. Women, when they are like this, are not quite human. They are unclean or holy, the devil or

god, which in point of behavior towards them amounts to the same thing—they are potentially pregnant with good or bad influences, and sexual congress must itself partake of this unholy holiness.

Nation after nation arrived at the threshold of civilization with laws that left the father and the husband despotic authorities in their homes, and with customs, rites and religious beliefs concerning woman that were a survival of the crazy-quilt pattern so characteristic of the conduct of the savage. The status of the woman in the ancient civilizations of Babylonia, Egypt, Phrygia, and Syria is the status of the primitive woman modified by growing cultures. Here are the same problems, the same contradictory situations, the same attitude towards woman leading to the same degradation or exaltation.

CHAPTER VI

WOMAN OF ANCIENT NATIONS

THESE great civilizations which influenced modern history through Greece and Rome, developed imposing religions based upon the worship of woman as the fertile force in nature. In Babylonia, a great mother god, Ishtar, yearly mourned her dead lover Tammuz. In Phrygia and throughout Asia Minor, along the rich river valleys, each year were celebrated the death and rebirth of all nature. Cybelle, the Great Mother of the Gods, was worshipped by orgiastic dances, fertility rites and human sacrifices. This cult spread to Greece and later also to Rome where it was practiced up to the third century of the Christian era. The yearly mysteries of Cybelle were practiced in an hysterical frenzy of excitement: her lover Attis, a god who died or was killed, was mourned with wild self-mutilations and his resurrection was hailed with every manifestation of unbridled joy; carnival broke loose; the resurrection of Attis was hailed not only as

the birth of vegetation, but as a promise of man's own resurrection from death. In Phoenicia, the Babylonian goddess Ishtar, became Ashtarte or Ashtoreth. In Greece, Tammuz became Adonis and his beloved, Aphrodite. Among all these mother gods, alike save in name, none other gained so wide an influence as the Egyptian Isis. Originating as the sister and wife of Osiris, himself, in one of his many aspects, a god of fertility, she eventually became even greater than her spouse—the Queen of Heaven, the Earth Mother, who passed from country to country absorbing all the local deities until Greece and Rome identified her with Selene, with Demeter, or Ceres, with Aphrodite, Juno, Nemesis, Fortuna, and Panthea.

The data concerning the position of women in the scheme of the Egyptian and Babylonian worship are contradictory and unreliable. The fact however remains that the most peculiar feature of the Egyptian religion was the worship of live animals. This worship, which, on the whole, was low and degrading, seriously interfered with the reverence and respect which were paid to the female deities in general, and with the favorable position of woman in particular. In Babylonia,

aside from the fact that Ishtar was called "the great goddess," "the mistress of heaven and earth," "the queen of all gods and goddesses," all women were degraded by being required to prostitute themselves, at least once a year, to any stranger in the many temples throughout the land. The only noteworthy evidence in support of woman's superior status is that given us by the code of laws of Hammurabi (Babylonian king, about 2350 B.C.). But many anthropologists are of the opinion that this code was not only no advance on the mother-right attitude, but rather a positive retrograde; for, it curtailed the practical sphere of woman's activities by imposing many duties and circumscribing her rights.

OUT of the civilization of Egypt and Babylonia came the elements which combined to make ancient Greece. Five out of the eight divinities of immemorial Greek worship were female: Hera, Demeter, Persephone, Athene, and Aphrodite. In addition, there were numerous lesser goddesses. It was also not uncommon for cities to be named after women. The cult of woman-worship was in evidence throughout Greece. Yet, from all we know, even in the

golden age of Pericles women were cloistered slaves. In Athens, the position of women was a tragic spectacle. Being economically dependent, she was regarded as a form of property with rights no more exalted than those of a slave. Simonides, in a satirical poem, compared women successively with a hog, a fox, a dog, mud, an ass, a mare, and an ape. Hipponax declared that a woman gives two days of happiness to a man—"her bridal day and her burial." The duty of the woman was to produce children who should be healthy and valuable as soldiers. "A free woman," says a character in one of Meander's plays, "should be bounded by the street door." Xenophon describes the perfect wife in his *Acconomics*: she has been brought up "that she might see, hear and ask as little as possible," and her attitude toward her husband is summed up in the phrase: "Everything rests with you; my duty, my mother says, is simply to be modest." She was treated with open contempt in the works of Plato, Pindar, Lucian, Meander, and Aristophanes.

Summing up the general status of the women in Athens, Professor Murray says: "To the average Athenian it was probably rather wicked

for a woman to have any character, wicked for her to wish to take part in public life, wicked for her to acquire learning, or to doubt any part of the conventional religion, just as it was wicked for her to deceive her husband. Such a woman should not be spoken about; above all, should not be treated with understanding and sympathy."

The importance of ancient Greece in the history of humanity is largely that it introduced into social thought and activity the use of reason. The Grecian philosophers were all interested in rational thinking; they believed that man can or should be reasonable, but no one, for a single moment, suggested that women can or should make any such claim. In fact, the philosophy concerning the rational treatment of women is based on the proposition that women are not rational beings.

If we consider the case of the Spartan woman, we find that just as the Athenian state degraded women by denying them intellectuality, by narrowing the sphere of their activities to breeding future citizens, so the Spartan state, though it placed men and women on a plane of equality scarcely equalled elsewhere or at any other time,

degraded women and men to the ideal of a healthy animal.

In Rome, where the customs and conventions of primitive society, that is, the unwritten laws, were supplemented by the written law, we find women in a very primitive and dependent condition. Early Roman law did not treat of woman as a wife; she was, in its eyes, the daughter of her husband. As such, she could not exercise any public or civic office; she could not act as witness; she could not sign a will; she could not make a contract; she could not inherit property from anyone dying except from her husband or brother. Owing to her *imbecility*—the exact Latin word—she was given minor privileges; for example, she could plead ignorance of the law in some circumstances, and, on occasion, she was exempted from torture. When we come to consider the position of the Roman Matron—there were a few wealthy ones among them—we find that, as late as 215 B.C., they were forbidden by the Lex Oppia to own more than half an ounce of gold, to wear parti-colored dresses, or to ride in a carriage within a mile of Rome except on certain public festivals. With the advance of the Stoic philosophy, these disabilities disappeared,

or rather were evaded by clever fictions and delicate avoidance of the spirit of the laws. Perhaps the best evidence concerning the status of the Roman matron is furnished by Livy's story of the opposition to the Lex Oppia, mentioned before. The matrons canvassed all voters and finally surrounded the houses of their leading opponents and threatened them with vengeance if they persisted in their attitude. "If men," said Cato the Consul, "had retained their rights and dignity within the family, the women would never have broken out publicly in this matter. If women had only a proper sense of shame, they would know that it was not becoming to them to take any interest in the passing or annulling of laws. But now we allow them to take part in politics. If they succeed, who knows where they will end? As soon as they begin to be equal with us, they will have the advantage over us."

"Cato is wrong," replied Lucius Valerius, the Tribune; "why should men grudge women their ornaments and dress? Women cannot hold public offices, they have no public occupation. What then can they do but devote their time to adornment and dress? Surely, then, men ought to let them have their own way in these matters."

WHILE it is true that, in the latter days of full-fledged laws, the women of Rome had obtained a legal position above that which they were to experience for the next twelve or thirteen centuries, it is also true that it was only the exceptionally talented, rich and prominent Roman matron who was accorded personal and proprietary independence. The status of the majority of the Roman women and the women slaves, was as little affected by the later Roman laws as the status of the great majority of English women by the fact that one of their sisters, Queen Victoria, occupied the throne of England, or that of the women of Russia by the fact that Catherine the Great was the Czarina over all the Russias.

If we survey all the evidence on the status of the women in Greece and Rome, we may conclude that, between sex rites and sex adoration on the one hand, and contempt and serfdom on the other, the woman was, as Havelock Ellis says, treated as "a cross between an angel and an idiot." Moreover, by being compelled continually to specialize and specialize either in the sexual (as matron, or as prostitute, sacred and

profane) or domestic direction (household drudge), she adapted herself to the treatment and really became something between an angel and an idiot. Thus, for example, in observance of the deflowering ritual, the Roman brides were in the habit of seating themselves on the lap of the statue of the phallic god Mutunus Tutunus, or of prostituting themselves to a stranger in the temple of Astarte. The Emperor Constantine abolished the custom, destroyed the temple and built a church in its place.

In the later days of the Republic, the status of the woman and the rest of society, particularly of the lower classes, was characterized by degradation and deprivation so terrifying that they drove men and women to despair. Life soon could offer neither palliative nor aspiration. The only escape open was to turn their hopes to another world with a promise of a paradise. The spiritual mania thus created swept from city to city where it became a religious cast. Persecution only made it thrive. Martyrdom became an obsession.

Amidst all this madness came the Christian attitude toward sex as expressed in the Fall of Man doctrine. This doctrine was in reality a

devious way of emphasizing the fall of woman. The reason for this is not far to seek. The antagonism of the sexes, which, as we have seen, existed from the time of our savage ancestors, became acute at the time of the matriarchal family; the one struggling to preserve its high position in the family, the other to dispossess it. The Egyptian male deity, like Apollo in the Eumenides of Aeschylus, declares that it is man who fulfils the important function in the act of generation, and that woman, "like the pistil of a fruit, only receives and nourishes the germ." The Mother Goddess, the "Sovereign Lady of the upper region," boasts that she conceives without the cooperation of man. The statue of Neith, the Mother Goddess, bore at Sais this arrogant inscription: "I am all that has been, all that is and all that will be. No one has lifted my robe. The fruit I have borne is the Sun."*

*From this ancient controversy to modern enlightened opinion, the road leads to many erroneous theories, some of which have ascribed the child entirely to the man, others to the woman. These theories, ridiculously childish as they seem to us now, had a profound effect upon the status of women up to the middle of the nineteenth century, because of their important social implication. It was only in 1854 that the researches of Baer and Kölliker revealed the fertilization of the egg cell by the sperm cell, thus settling at rest forever the rival claims of man and woman in the matter, by giving to each an equal share in the work of conception.

CHAPTER VII

WOMAN AND CHRISTIANITY

IT is to emphasize the inferiority of the woman that St. Paul in the Epistle to the Ephesians says: "I would have you know that the head of every man is Christ; and the head of every woman is the man. . . . For the man is not of the woman, but the woman of the man. Neither was the man created for the woman; but the woman for the man." To render feminine subjection and degradation complete, sex was soon declared a device of evil. "She is the gateway to the devil," says Tertullian. Clement of Alexandria declared that "every woman ought to be filled with shame at the thought that she is a woman." "She is the root of all evil," said St. Jerome; and "we have to beware of Eve in every woman," said St. Augustine. "The woman shall not demand equality," thunders the greatest of preachers, Chrysostom, "for she is under the head." Epiphanius made the following summary: "The race of women is prone to slip and is un-

stable and low in their thoughts." While Plato had classified women along with "children and servants," it was the Fathers of the Church who condemned her to perdition. In their eyes she was the incarnation of evil, because it was through her that Adam had fallen. It may not be strictly true that in 585 the Council of Macon solemnly debated whether women had a soul or not, but it is on record that the Council of Anzerre had seven years earlier decreed that woman, on account of her "impurity," must not take the sacrament in her hands, as her clean husband did.

THESE early attitudes of the Church Fathers were later modified, but never removed from Christian doctrine. Woman continued to remain an impure and unclean necessity. Wherever Christianity has swept, it has carried this influence; it still lingers with Western culture. From 400 C.E. onward, the position of woman steadily and rapidly deteriorated, and she sank into a state of subordination without parallel in the history of mankind.

Over Europe at large there was, during most of the period to the thirteenth century, little or

no legal protection for women. If a woman had not a man to defend her, she was raped. The Decalogue was not much in fashion throughout the Middle Ages. The lords, the abbots and bishops, and the minions of these superior beings, could help themselves when they willed to a serf's wife or daughter. And at least ninety-five percent of feudal Europe were serfs, which is the French-Latin for slaves. The noble woman, the Lady of the Castle, fared little better than her sister of the lower estate. Feudalism had a deteriorating effect upon the legal status of all classes of women. Feudalism is a relationship between the overlord and tenant whereby the overlord secures the tenant in enjoyment of his lands in exchange for the tenant's assistance in warfare. A woman, of course, could not fulfil this duty. If, therefore, a girl inherited land from her father, or if a widow inherited a fief from her husband, the overlord forthwith offered the land and incidentally the hand of the wife or daughter of the dead tenant to the first knight who wished to take them.

In the *Chanson de Geste* called *Charroi de Nîmes*, we read the following scene: "One of these days," said the King to the knight Wil-

liam, "one of my peers will die; I will give you his land and his wife, if you wish." In the same manner Charlemagne, on his return from his wars in Spain, remarried *en masse* all the widows of the knights who had fallen in battle. As property holders, they were subject to the power of the king and knights; as women, they did not exist.

Beating of a woman by her husband was a common practice. The rules were that a husband might beat his wife with his fist in the face or on the back for contradicting him. And, by the thirteenth century, manners had so far been softened, the Beaumanour lays down that the beating of a wife should not be severer than is reasonable.

Another cause for the degradation of women was the indissoluble marriage. If a woman was married, as often was the case, to a man she had never seen, simply to facilitate warlike alliances, or a real estate transaction; if, moreover, when married to a war-mad knight, of no intelligence and even illiterate in most cases, she could be beaten without mercy on the slightest provocation, the only redress and succor to the Lady of the Castle for a miserable life or from a brute

husband, was the nunnery. The cloisters offered the Lady of the Castle many inducements. It took her away from the daily life amid a quarrelsome band of proud drunkards; it offered her the opportunity, as an abbess or prioress, to rule instead of being ruled, even apart from the promises of reward beyond death; and, in exchange, it demanded but one thing, that she, the woman, the female human being, should strike female from her definition, should cast off all her sex feelings, her maternity, her love, like a soiled and worn-out garment, and come a naked, unsexed being into her new kingdom.

Two other avenues of escape from her miserable position were open to the Lady of the Castle. One was Romantic love, which later resulted in the Court of Love movement; the other was witchcraft. As to the latter, it was assumed until quite recently by all except the superstitious that it never existed outside the minds of its deluded persecutors. But the researches of anthropologists, trained in the knowledge of primitive beliefs and customs, have proved that a widespread cult answering to all the descriptions of inquisitors and heresy hunting was in existence from pre-

Christian days well into the seventeenth century and even later.

THROUGHOUT the Middle Ages, the Renaissance and post-Reformation periods and up to the closing of the eighteenth century, a misogynist Church and a militarist social order conspired together to make woman's life miserable. She was legally in the position of a child. Her property and earning went to her husband, her children could be taken away from her if she separated from him. In most countries, she had no chance whatsoever of divorce or a legal separation from a brute and despised husband, and he could, if she fled, compel her by law to return to his bed. He could beat his wife—and most husbands of the peasantry and poorer classes did—he could even sell her with legal impunity.

The following facts are evidence of this latter practice as it took place in England. As late as 1884, twenty cases of wife-purchase, with the names and details of prices are recorded. Women were often offered for sale in the newspapers. In a Dublin paper, for instance, women were frequently offered for sale under the inviting cap-

tion: "A bargain to be sold." Women were usually led by their husbands with a rope about the neck to the market place, where they were sold along with cattle with the proper witness to sanction the bargain. A court clerk would determine the tax, which seldom amounted to more than several shillings. Upon one occasion, a peasant sold his wife without formality. When he was informed that the sale was not legal, he went seven miles for his former wife, tied her with a rope, and again sold her, this time taxed by the state four pence—as he would have been for the sale of cattle. Smithfield market became famous for such sales. In Nottingham, during the year 1790, the cheapest woman sold was for three pence. Nor was the church immune from such traffic. In February 1790, for instance, a wife, who had been deserted by her husband and had become a burden upon the parish which had been supporting her, was sold at the market-place by the parishioners for two shillings.

In connection with these sales, the following note appeared in the *Times* on July 22d, 1797: "The increasing value of the fair sex is regarded by many writers as the certain index of a growing civilization. Smithfield may for this reason

claim to be a contribution to particular progress in finesse, for in the market the price was again raised from one-half a guinea to three-and-one-half."

How did the woman of Christendom react to her degradation? There were the women of the lower classes, the house-drudges, the slaves, who were so deeply sunk in ignorance and superstition that they accepted their position without a murmur, some of them even revelling in it; they were the majority. There were a few outstanding women, "blue-stockings" such as Hannah More, Mrs. Montague and Mrs. Thrale, or highly intellectuals, such as Madame de Stael and Mary Wollstonecroft, who, each in her own way, took up the cause of her unfortunate sisters, agitating and pleading for their human recognition and right. All the remainder, the woman of the middle and upper classes, responded by flaunting the restrictions and conventions imposed by her masters, both spiritual and temporal. She set up her Court of Love by turning from the soldier to the troubadour, poet or lover; or by accepting the Church's offer and surrendering all that constituted womanhood in contradistinction to manhood. Or, finally, by throw-

ing off the strait-jacket provided for her by priestly and human stupidity and standing up naked as womanhood itself, primitive, uncivilized, worshipper, and dispenser of fertility.

At this point, it is of interest to mention that five hundred eleven witches were tried in England and Scotland in the seventeenth century; one continental judge put eight hundred to the torture in sixteen years. The Bishop of Würtemberg burned nine hundred in one year; in Geneva, five hundred were burned in three months. Estimates vary as to the total number of witches burned, but it is possible that several millions were tried, tortured and put to death. The last witch convicted in England was Jane Wenham in 1712; the last in Scotland was executed in 1722. In America, there were the famous Salem witch trials in Massachusetts in 1691-2. The last German execution was in 1793, and the last witch-burning in the civilized Christian world took place in Peru in 1888.

TURNING next to the woman of pre-revolutionary Russia, we find that the abuse and brutal treatment to which she was subjected throughout the centuries had so effaced all

traces of her human dignity that she came to look upon it as an expression of love on the part of her husband. When, for some reason or other, he failed to administer to her the customary beating, she began to question seriously his love for her. The well known Russian proverb, "A chicken is not a bird; a woman is not a human being," expressed the contempt in which woman was held there. This contempt was similar to that which existed in Germany and Italy, where the subordinate and slavish position of the woman was a dominant manifestation.

When the feminine struggle—the war of the sexes, so-called—began during the last century, ignorance and beauty were the two qualities most admired in women. Since then wide and radically sweeping changes have taken place in woman's position and outlook. She gained political and, partially, economic freedom; she gained the right to become like man. Even more important than these actual changes were the promises to be redeemed in the future. These were, for instance, the promise of change in woman's outlook upon herself, and the promise of freedom for full expression of her womanhood. But

the profound changes that have occurred in our economic life during the last decade have not only frustrated these promises, but have robbed her of the civil rights and substantive liberties she had already gained. For several years now the women in a mad-gone Germany are being driven "back to the kitchen": the women in Italy are dedicated to a life of breeding soldiers, while a number of women in other countries are being reduced to a life of vegetation. Even Soviet Russia has lately become sold to the idea that the destiny of the woman is to breed future soldiers. The new outlook there, to quote Pravda of June 7, 1935, is that, "The mother of one child must be treasured as the future mother of eight."

The previous centuries saw the contradiction of the Queen of Heaven, and women led by ropes tied around their necks to the market place to be sold as cattle; brides of Christ, and woman forced to share her husband's bed against her will; women saints haloed and adorned with burning candles, and women burned on the stake as witches. The enlightened twentieth century sees the contradiction of the emancipated woman, and the woman specializing in the domestic and

sexual directions only: the professional and office woman, and the woman of vegetation; the intellectual, college-bred woman, and woman to whom marriage is a commercial transaction, and a husband—a life-long meal ticket. The twentieth century woman, for the most part, is still one who grants as a bargain what can be precious only as a gift.

I have only touched the fringe of this great subject. Enough facts have been brought out, however, to prove beyond any possibility of contradiction the contempt and degradation to which women were subjected throughout the ages and by all nations, all but that of Israel.

CHAPTER VIII

WOMAN OF ISRAEL

THE Hebrew patriarchal system so closely connected in our thought with the patriarchs, Abraham, Isaac and Jacob did not exist from the beginning. Numerous survivals of savagery, primitive patriarchal and matriarchal systems found in Genesis, afford proof that the early Hebrew tribes must have passed through these stages.

The survivals of savagery and primitivity we considered at some length in a previous chapter. Of the survivals of mother-right a few illustrations will be given. The injunction, "Therefore shall a man leave his father and mother, and shall cleave unto his wife," refers to the early form of marriage under mother-right when the husband left his own kindred and went to live with his wife and among her people. In the history of Jacob's service for his wives, we have a clear proof of the maternal custom of *beulah* marriage. Afterward, when Jacob wished to depart with his wives and children, Laban made the objection, "these daughters are my daughters, and these children are my children." Such a claim on the part of the father proves the subordinate position held by the husband in the wife's family under mother-right. When Abraham sought a wife for Isaac, presents were taken by the messenger to induce the bride to leave her home; and these presents were given not to the bride's father but to her mother and brother. This is the early form of purchase marriage as established under mother-right. Under maternal custom, inheritance, especially paternal, must remain in the clan. The decision of

Moses, "then shall their inheritance be added unto the inheritance of the tribe," is in accord with that custom. Under mother-right, there is naturally no prohibition against marriage with a half-sister upon the father's side; this explains the marriage of Abraham with Sarah, his half-sister by the same father.

These survivals warrant the belief that the Biblical patriarchal system was a later stage of an evolution which had for its starting point the communal clan. Moreover, these survivals are of special interest, for they prove that previous to entering upon the stage of patriarchal civilization, the primitive Hebrew tribes passed through the same evolutionary stages of savagery, primitive, paternal and maternal, as did the first civilized nations of antiquity, the Egyptians, the Babylonians and the Assyrians.

It will be of interest to note in this connection that the presence of these survivals in the Hebrew Bible, as well as the fact that the Hebrew people at different periods of its history came, and for a considerable time, remained under Babylonian, Egyptian and Persian influence, were accepted by many students of the "Science of Religion" as conclusive proof of the archaic theory that

Judaism is a mere offshoot from the religion of one or the other of these three peoples.

It is not the object of the present work to prove the fallacy of this theory. The subject of "Origin of Religion" is so large a one, that we feel compelled to limit ourselves to a few remarks made by no less an authority on "Ancient Religions" than G. Rawlinson. In the Concluding Remarks of his book, "The Religions of the Ancient World," he says: "Judaism stands out from all other ancient religions as a thing *sui generis*, offering the sharpest contrast to the systems prevalent in the rest of the East, and so entirely different from them in its essence that its origin could not but have been distinct and separate. The sacred books of the Hebrews cannot possibly have been derived from the sacred writings of any of these nations. No contrast can be greater than that between the Pentateuch and the "Ritual of the Dead," unless it be that between the Pentateuch and the Zendavesta, or between the same work and the Vedas. A superficial resemblance may perhaps be traced between portions of the Pentateuch and certain of the myths of ancient Babylon; but the tone and spirit of the two are so markedly different

that neither can be regarded as the original of the other. When they approach most nearly, as in the accounts given of the deluge, while the facts recorded are the same, or nearly the same, the religious stand-point is utterly unlike."

What we are mainly interested to make clear here is, that the similarity of cause of the Hebrew and the three religions of antiquity was not followed by similarity of effect on the part of Judaism so far as woman cult, or woman status, is concerned. We have discussed the status of woman in ancient and contemporary nations. Let us now consider the status of woman in Israel.

A BRIEF review of the Bible will prove that the Hebrews of antiquity regarded woman with more tenderness than man, and resolved on fixing her status and her privileges to the extent of bringing her forward as an object at once of tenderness and respect, worthy of being cherished as a wife and a daughter; of deepest veneration as a mother; the especial object of national as well as individual love and protection as a widow and fatherless, and of the kindest, most fatherly care and gentleness as the maid-

servant. Even the captive woman was marked out for kind and human treatment, and allowed time for mourning, instead of, as in the case of other nations, being hurried to the bed of the brute conqueror, who was often still reeking with the blood of her kin.

The very first command relative to the duties of man toward man stresses the relation of children toward the parents. The Hebrew groins realized that the welfare and integrity of society depends upon the respect and love with which people regard one another. It also realized that more often than not children are not beholden to their parents for having brought them into the world. It was, therefore, with the object to implant the sentiment of love and respect in the heart of the child that it saw fit to command, "Honor thy father and thy mother," and added for obedience a promise of reward, almost the only command to which recompense is annexed, "that thy days on this earth may be prolonged, and that it may go well with thee." The law concerning the "rebellious son" illustrates the perfect equality of the Hebrew father and mother in respect to their children. It was not only that disobedience to the mother was equally punish-

able with that to the father, but that the mother was also to testify against her son or he could not be proved guilty. The injunctions contained in Deut. VI:20-25, and which are addressed to Israel as a people, male and female, require that instruction shall be given not by precept only but by example as well as by exhortation. Clearly, the status and the general attainment of the Hebrew mother must have been such as to render her equal to these duties. The Biblical laws and ordinances concerning the position, protection, and the duties of the wife elevated the woman in the scale of being, and proved that though "her desires must bow to her husband's, and he should rule over her," yet this rule was to be one of perfect concern and love. This is exemplified by the following law: "When a man has taken a wife, he shall not go out to war, neither shall he be charged with any business of state, but he shall be free at home for one year in order to *cheer up the wife* which he had taken." Concerning the daughters, the law is explicit in emphasizing that they equally with the sons are to eat of holy things, to appear and rejoice at all festivals. The law regarding the punishment of all those "be they brother, son, daughter, wife,

or friend who enticed to idolatry," is a further proof that the daughters and the wives of the Hebrews must have been a potent intellectual factor in exerting influence over the members of the family even to persuade to evil.

No other system of jurisprudence in any country at any period is marked by such humanity with respect to the widow and the fatherless. The Hebrew genius realized that, left to man's mercy, the widow and the orphan would often meet with oppression, fraud, and injustice. It therefore decreed, "Ye shall not afflict any widow or fatherless child." The ruins, the misfortunes and trials, so often the portion of the widow and the orphan, could not exist in the Hebrew commonwealth; the people as a whole were commanded to provide for them, and in every feast of offerings or of festivals, and in the ingathering of their corn, oil and fruits, to include the widow and the fatherless.

Nor was the maid-servant overlooked. Every law instituted by the Hebrew genius for the safety, happiness and welfare of the man-servant, mentioned by name the maid-servant also. No man could rejoice before the Lord by himself; sons, daughters, widows, fatherless, man-

servants, maid-servants, the stranger, and the guest, all were included and distinctly enumerated that not one could be omitted without a decided breach of the law. The twenty-first chapter of Exodus and the fifteenth of Deut. treat powerfully of the protection and kindness demanded toward male and female servants. The simple words: "They shall not go out as man-servants do," reveal the special care for their protection; they were not to be exposed to all the rougher labor and out-door service incumbent on the man-servant.

HAVING pointed out the laws instituted expressly for woman in her various positions as mother, daughter, wife, and maid-servant, we have but to call attention to the remaining statutes generally relating to her.

Of these, the law of menses and the Tenth Commandment deserve our special attention. Not because they are especially favorable to woman as such, but because they are the only ones, out of the whole codex of the Judaic Law Book, which various writers could point out, with more or less impunity, in support of their theory that Judaism is a religion of the desert, full of primi-

tive superstitions, and its laws concerning woman debasing and degrading. We shall now consider these laws in the order named.

THE laws concerning menstruation and parturition have, undoubtedly, a close relation to the superstition of the savage and are, perhaps, a direct outcome of it. But Judaism, with its genius for morals, ethics and hygiene so modified this taboo of the savage, that the injunctions regarding menstruation and parturition, as incorporated in the Book of Laws, are both hygienic and ethical and of the highest achievement. In the eyes of the ancient Hebrew Law, the menstruating woman, *afflicted* with "her period"—flow, menorrhagia, or metrorrhagia—is not an offensive person, but a person with an offensive discharge; and she is considered unclean, in the modern hygienic sense of the word, on a par with any woman or man who happens to have an offensive discharge of whatever nature, be it a wound, fistula, ulcer, abscess, seminal emission, or exanthematous eruption. All such people, and those who come in contact with them, are deemed unclean. All are to be isolated for various periods of time, at the expiration of which all are to wash in *running*

water before they could be pronounced clean. In effect, this Biblical injunction differs but in one respect from the ultra-modern "sickness" hygiene of our time. The Biblical injunction puts its emphasis on *unclean* or sepsis, while the other puts its emphasis on *clean* or antisepsis. Likewise, the extension by this injunction of the uncleanness of the parturient woman to a period of 33 or 66 days, depending upon whether she gave birth to a boy or a girl, is a highly salutary hygienic measure. Its benefit to woman in terms of restored health, prestige, dignity, and self-esteem can hardly be overestimated. To claim that this law is a survival of savage superstition is as devoid of sound logic as would be the claim that the immunization theory, which is based, in part, upon Hahneman's formula, *similia similibus curantur*, is a survival of the belief in sympathetic magic, and the fertility rites of our savage and primitive ancestors.

The tenth commandment, "Thou shalt not covet thy neighbor's wife, nor his man-servant, nor his maid-servant, nor his ox, nor his ass, nor anything that is thy neighbor's," is the second *stock-in-trade* argument advanced as proof that Judaism tends to degrade woman. Perhaps with

a little stretch of the imagination, and with more than a little bias, the proprietorship and despotism of the Hebrew patriarch, and the low status of the Hebrew woman, on a par with the ox and the ass, could be read into this commandment, if it were not for the fact that the Fourth Commandment enumerates "man and his son, and his daughter, together with his slave, ox, ass, and the rest of his cattle," as those interdicted from doing any work on the Sabbath. Furthermore, as if in anticipation of such a biased interpretation, the second version of the Ten Commandments, Deut. V, does not mention the woman together with the ox and the ass, but puts her in a class by herself.

WHETHER or not the economic position of the woman among the Hebrews was all that would satisfy the twentieth century, it is certain that, in all sexual relations, woman's interests were safeguarded with a peculiar care utterly unknown to modern legislation. The possibility of polygamy were restricted within very narrow limits (Levit., 18). That a man might not put away his wife without due formality in Israel, it was decreed that he must give her a bill (literally a "book") of divorcement. This

was a serious check upon divorce in an age when only a few could write. Having thus limited the incidence of divorce on the part of the husband, the Biblical law at the same time provided for the right of the wife to sue for divorce. According to Gen., XXI, 7-11, the wife (who had been his bondswoman) could demand of her husband food, raiment, and conjugal rights. If he refused these, she could "go out free." But as it is not in the nature of things that a bond-woman should go out free from the power of her husband whenever she believed herself entitled to do so, the inference seems to be that she could appeal to some lawful authority to secure her freedom on proving that her rights had been withheld. The *Mekhlita* (*Mishpatim*, Sec. 3) hints at such a state of things.

Here, then, is a case under the Hebrew patriarchal system of a woman suing at law for her freedom from the power of her master. It is fair to presume that, if the bondswoman had this right, the freeborn wife had an equal if not a better right.

THE right of the wife to demand a divorce from her husband having once been estab-

lished, the causes for which that right could be exercised gradually became more numerous. The *Mishnah* records numerous causes for which the wife could sue for divorce: Impotence, incurable sickness, physical blemishes, vows on the part of the husband to interdict his wife from wearing certain dress or ornament, from visiting her parents' house, or the performance of any kind of work, entitled her to a divorce (*Tal. Bab., Kethuboth*, 71, 72a). Josephus records that two ladies of the royal house of Herod the Great divorced their husbands by sending them a *Get*. According to Rabbi Ami (300 C.E.), a man had no legal right to marry a second wife without the consent of his first wife, and the latter was entitled to a divorce from him if he did not consult her.

The laws for the Nazarite woman are so clearly specified that it is impossible to retain a doubt of her service being equally acceptable, or that she had not the same liberty as man to separate herself by a vow.

Not only religiously and socially was the woman on a par with man, but in industry, too, she took her place side by side with man: the wise-hearted women worked with Bezalel in

the making of the tabernacle (*Exod.*, 3:2, 26; cf. 36:6).

Finally, the honorable and equal position of the Hebrew woman is nowhere more obvious than in the Bill of Rights of the Hebrew Bible, (*Deut.*, XXIX).

The more we study the Hebrew Bible the more we become convinced that the woman, as a member of a religious community, is privileged in every feeling as well as every act to come to God, alike in thanksgiving and prayer; that, as a mother and wife, she, on a par with man, has a station to uphold before her children and the nation.

This honorable status of the women of Israel was maintained even after the Jews came under the influence of Babylonia and Assyria. The "perfect woman" of Proverbs mirrors the attitude of the Jews of the second commonwealth, about the third century B.C., toward women. No greater recognition, no higher honor was ever accorded woman than that in the last chapter of Proverbs. Its writer, no doubt a man of the world and of affairs, gives a picture of an active, industrious and capable wife. This woman is her husband's counselor, in whom his heart

trusteth, who always does him good; she is farsighted for opportunities, quick in perception and independent in action to a very remarkable degree. She considereth a field and buyeth it; she is no clinging vine, strength and dignity are her clothing. And with all her sturdy virtues and independence, she is a gracious woman, opening her mouth with wisdom and having the law of kindness on her tongue.

WITH the destruction of the Second Temple, and for many terrible centuries thereafter, the dense pall of misery and oppression which gathered about the hapless Jews of every land, so crushed independence, so confined the sphere of action, so banished all religious instruction, except such as could be imparted in deepest secrecy, that the word Jew became, and has continued to be, synonymous with all that is debased. Yet the honorable position of the woman in Israel was maintained at its former high level. The high esteem in which the Fathers and Rabbis of the Talmud and later writers held woman, is expressed in the following touching and meaningful sayings: "Make allowance for the weakness of thy wife; and if thou canst not raise her

to thee, do thou stoop and speak encouragingly to her." If thy wife be of small stature, stoop and speak gently to her." "Ever be zealous of the honor of thy wife, for there is no blessing found in man's house which comes not through the wife." "A man should honor his wife more than himself, and love her as he loves his own person." "No man can really be called man, unless he has a wife." "Whoever marries a woman for money alone, will not have children according to his wishes."

"Let thy table be considerably within thy means; thy dress and appearance according to thy means; but the comforts of thy wife and children beyond thy means."

"Ladies first" was more than a slogan or chivalrous jest among the Jews of the diaspora; it was an ordinance: "The woman takes precedence of the male in being fed, clad and freed from captivity." "If a son sees his mother and father either imprisoned or in danger, he is bound to save his mother before his father."

WHEN we turn from rabbinical laws, ordinances and precepts, which intended to insure the honorable position of woman, to the

allusion to women in narration and in historical evidence, we find women prophetesses such as Miriam, Deborah and Huldah; women judges and heroines, such as Deborah and the Martyr Mother; women benefactors of the nation, such as Ja'el and Esther; women learned in Judaic lore, such as Beruria, the wife of Rabbi Meir; widows of kings who could reign in their own right; women who occupied themselves with high affairs of State, such as Alexandria, Mariamne, Salome, Helena, and Berenice. And, what is more, we find millions of Jewish homes, which throughout the long centuries of the Jewish diaspora, were presided over by loved and venerated wives and mothers, veritable queens of the household.

When the seer Balaam, of Biblical fame, lifted up his eyes and saw Israel encamped according to their tribes, he took up his parable and said: "How beautiful are thy tents, O Jacob, thy dwellings, O Israel. . . . Lo, it is a people that shall dwell alone, and among the nations it shall not be reckoned." When the poet-seer, Heine, of world fame, lifted up his eyes and saw the millions of Jewish Ghetto-homes scattered throughout Asia, Central Europe, Poland, and Russia,

he took up his parable of the "Beggar and Prince." Throughout the Dark Ages, and well nigh to the rise of the industrial revolution, the "wandering" Jew, wherever he went, whether on the streets of cities and villages, on open roads or in market places, was spat upon like a dog, and despised like a beggar every working day of the week. But on the Sabbath eve, when weary of soul and body, his step brought him near his home, no sooner did he cross its threshold than the countenance of his wife, the presence of the children she reared, the pleasing and peaceful surroundings she created, instantly uplifted and transformed him into a veritable prince.

EVEN those who do not believe in miracles, if only once in their life they have witnessed the Sabbath evening repast of an orthodox Jewish family, listened to the sonorous, soul stirring chant, "Come, my beloved, the bride to meet, the Sabbath let us welcome," to the *Kiddush*, the blessing of the wine and over the Sabbath bread-loaves, if they have observed the awe inspiring self-composure and dignity radiating from the uplifted Jew—the bespattered dog of only a few hours previous—they must admit the

exalted status of the Jewish woman, and admire the marvelous influence she exerted upon man and the nation even during the darkest ages in its history.

Indeed, well may we paraphrase the memorable words of Balaam to read: The Jewish woman dwelleth by herself, and is not reckoned among the women of other nations.

THE reason — the reason, perhaps — why woman, degraded among all nations, held such an exalted status in Israel, was the conception of the function of the family in the nation. Among all nations, it has been pointed out, the family was considered a compact unit which, with the growth of the property instinct, soon contracted and solidified into an individual organism. The rise of patriarchy, which dwarfed the essential unity or collectivism of society at large, further contracted the family into the narrow limits of the head of the family or patriarch. Where the unity of society is dissolved and supplanted by the smaller selfish units of the patriarchal family, woman is either property or sex or both — but never a human being, a member of society. The Hebrew

family, from its inception, bears that typically collective character—explicit and implicit in *children of Israel*—which stands at the commencement of all civilization. During the early rise of the Hebrew patriarchal family, the Hebrew community or nation knew only *brothers* and *sisters*, children of Israel, all alike having been created in the *Image*, all spoken of in equal terms; when it grew to maturity, it expanded to include all members of the greater family, genus *homo*, as children of One Father. Upon this *collective* character of Judaism rests the principle of liberty and equality; upon it the entire ethical code which distinguishes barbarism from civilization, is based.

Finally, it is this collectivism which imparts to the Jewish family a rational and dignified form of sex association. This association is based upon the following principles: First, the sexes are equal, they differ only in function; second, the sexes, as separate and independent classes, have no social meaning; society starts with their union. Third, any proposition which tends to degrade this union, or to place the sexes in antagonism to each other in the social organism, is socially disruptive and inherently anti-social.

Another reason why woman holds so exalted a status in Israel, was the conception of the function of man in the state. "As a recent writer has remarked," to quote L. S. Houghton, "the question at the root of all political systems is whether man is regarded as a member of a household, or only as a citizen and soldier. If the latter, then the logical result is that the woman, being non-combatant, must stand on a lower plane than man. But in Judea, men were not regarded as soldiers and citizens first, but first as members of the family. It is always as father, husband, son, or brother that we know the Biblical characters, and the status of woman is therefore wholly different from what it was in Rome, where household relationships were a minor consideration, and where the husband and father, being first of all soldier and citizen, had almost absolute power, not only over his wife and daughter, but over his son as well. All modern civilization is based, not upon the Hebrew, but upon the Roman system. May it not be due to this fact that at least the theoretical position of women is so unsatisfactory, and that the advocates and opponents of reform in this matter are alike apt to be unwise and unjust."